

UNITED STATES DISTRICT COURT

District of Guam

TONY H. ASHTIANI

~~UNITED STATES OF AMERICA~~

V.
 CONTINENTAL MICRONESIA, INC. dba
 CONTINENTAL MICRONESIA and
 CONTINENTAL AIRLINES, INC.

Case Number: CIV02-00032

BILL OF COSTS

FILED
DISTRICT COURT OF GUAM

OCT 07 2004

MARY L. M. MORAN
CLERK OF COURT

234

Judgment having been entered in the above entitled action on Aug. 30, 2004 against Tony H. Ashtiani,
 Date
 the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ <u>0</u>
Fees for service of summons and subpoena	<u>90.00</u>
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the	<u>0</u>
Fees and disbursements for printing	<u>98.60</u>
Fees for witnesses (itemize on reverse side)	<u>0</u>
Fees for exemplification and copies of papers necessarily obtained for use in the case	<u>188.50</u>
Docket fees under 28 U.S.C. 1923	<u>20.00</u>
Costs as shown on Mandate of Court of Appeals	<u>0</u>
Compensation of court-appointed experts	<u>0</u>
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828 ...	<u>0</u>
Other costs (please itemize) (Electronic Research and Postage Charges)	<u>298.28</u>
TOTAL	\$ <u>695.38</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: Tony H. Ashtiani

Signature of Attorney: *David Ledger*Name of Attorney: David LedgerFor: Continental Micronesia, Inc.Date: Sept. 10, 2004

Name of Claiming Party

Costs are taxed in the amount of \$277.60

and included in the judgment.

MARY L.M. MORAN

By:

ROSLITA P. SAN NICOLAS

Deputy Clerk

Clerk of Court

Date

RECEIVED

SEP 10 2004

DISTRICT COURT OF GUAM

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
					TOTAL		

CARLSMITH BALL LLP

DAVID LEDGER
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Attorneys for Defendants
Continental Micronesia, Inc. dba
Continental Micronesia and
Continental Airlines, Inc.

IN THE DISTRICT COURT OF GUAM

TONY H. ASHTIANI,

Plaintiff,

vs.

CONTINENTAL MICRONESIA, INC. dba
CONTINENTAL MICRONESIA and
CONTINENTAL AIRLINES, INC.,

Defendants.

CIVIL CASE NO. CV02-00032

**DECLARATION OF DAVID LEDGER
IN SUPPORT OF BILL OF COSTS**

I, David Ledger, declare:

1. I am an attorney at law licensed to practice before the Courts of the Territory of Guam and before this Court. I am a partner with the law firm of Carlsmith Ball LLP, attorneys of record for Defendant Continental Micronesia, Inc.
2. If called as a witness, I would and could competently testify thereto to all facts within my personal knowledge except where stated upon information and belief.
3. On August 30, 2004, the Court granted Defendant's Motion for Summary Judgment, denied Plaintiff's Motion for Partial Summary Judgment, and awarded Defendant its costs.

4. This Declaration itemizes each category of cost requested to be taxed by the Clerk of Court.

5. **Electronic Research.** Defendant incurred \$188.91 in electronic research, as detailed below. Costs for electronic research are taxable pursuant to Federal Rule of Civil Procedure 54(d). See also Independence Tube Corp. v. Copperweld Corp., 543 F. Supp. 706, 723 (N.D. Ill. 1982).

Date	Description	Amount
7/16/2003	Westlaw	\$42.03
7/21/2003	Westlaw	\$121.05
9/19/2003	Westlaw	\$19.39
	Payment to Third Party	
2/27/2004	(PACER)	\$6.44
Total		\$188.91

6. **Postage Charges.** Defendant incurred \$109.37 in postage charges, as detailed below. Postage charges in this case were necessarily incurred because Plaintiff was pro se and did not have a place of business whereby Defendant could regularly serve him with documents. Costs for postage charges are taxable pursuant to Federal Rule of Civil Procedure 54(d). See also Bresgal v. Brock, 637 F. Supp. 278 (D. Or. 1985).

Date	Description	Amount
3/28/2003	Postage	\$0.60
3/28/2003	Postage	\$4.65
5/16/2003	Postage	\$4.65
6/13/2003	Postage	\$3.13
6/13/2003	Postage	\$3.13
6/3/2003	Postage	\$0.37
7/28/2003	Postage	\$0.37
8/1/2003	Postage	\$4.42
7/31/2003	Postage	\$5.57
10/14/2003	Postage	\$4.42
10/3/2003	Postage	\$5.80
10/17/2003	Postage	\$4.88
10/14/2003	Postage	\$4.42
10/31/2003	Postage	\$4.42
11/21/2003	Postage	\$3.65
12/9/2003	Postage	\$4.88

12/15/2003	Postage	\$0.37
1/21/2004	Postage	\$0.37
1/21/2004	Postage	\$5.11
1/29/2004	Postage	\$0.37
2/5/2004	Postage	\$4.65
2/6/2004	Postage	\$4.42
2/12/2004	Postage	\$5.57
2/17/2004	Postage	\$5.34
2/17/2004	Postage	\$4.42
2/18/2004	Postage	\$4.42
2/19/2004	Postage	\$0.37
2/25/2004	Postage	\$0.37
3/4/2004	Postage	\$4.65
3/5/2004	Postage	\$4.42
3/5/2004	Postage	\$0.37
3/9/2004	Postage	\$0.37
3/18/2004	Postage	\$4.42
Total		<u>\$109.37</u>

7. **Service Fees.** Defendant incurred \$90.00 in service fees, as detailed below. Costs for service fees are taxable pursuant to Local Rule 54.1(b)(2).

Date	Description	Amount
10/13/2003	Process Service Fee for Deposition of Juan Rapadas-Mike Gallo	\$45.00
10/13/2003	Process Service Fee for Deposition of Alex Chinet-Mike Gallo	<u>\$45.00</u>
Total		\$90.00

8. **Printing Fees.** Defendant incurred \$98.60 in printing fees, as detailed below. Printing fees are taxable pursuant to 28 U.S.C. § 1920(3).

Date	Description	Amount
4/30/2003	Disagreement of Scheduling Order	\$13.90
5/16/2003	Response to Plaintiff's "Pleading to Defendant Counsel of Proper Service to Unrepresented Party"	\$1.40
6/3/2003	Answer to Second Amended Complaint	\$6.10
12/24/2003	Motion to Strike	\$5.20
1/16/2004	Motion to Strike	\$3.00
1/27/2004	Response to Request for Issuance of Order	\$3.40
2/5/2004	Reply in Support of Motion to Strike	\$4.40
2/11/2004	Motion for Sanctions	\$37.00
3/4/2004	Reply in Support of Motion for Sanctions	\$19.80
7/29/2004	Opposition to Plaintiff's Motion for Sanctions	<u>\$4.40</u>
Total		\$98.60

9. **Copies for Documents Necessarily Obtained for Use in Case.**

Defendant incurred \$188.50 for copies for documents necessarily obtained for use in this case.

Such costs are taxable pursuant to 28 U.S.C. § 1920(4) and Local Rule 54.1(10). See also United Intern. Holdings, Inc. v. Wharf (Holding) Ltd., 174 F.R.D. 479, 484 (D. Colo. 1997) (costs for exhibits attached to motion for summary judgment are taxable if party seeking costs prevails).

Date	Description	Amount
9/26/2003	EEOC file, Honolulu, Hawaii	\$20.10
10/6/2003	Plaintiff's Civil Case File at Superior Court of Guam	\$29.50
10/9/2003	Plaintiff's Civil Case File at Superior Court of Guam	\$38.50
11/21/2003	Motion for Summary Judgment and attached exhibits	\$53.50
11/26/2003	Opposition to Motion for Summary Judgment and attached exhibits	\$34.10
12/5/2003	Reply Memorandum in Support of Motion for Summary Judgment and attached exhibits	\$12.80
Total		<u>\$188.50</u>

10. **Docket Fees Under 28 U.S.C. § 1923.** Pursuant to U.S.C. §§ 1920 and


1923, Defendant is entitled to attorneys fees as costs in the amount of \$20. See Berryman v.

Epp, 884 F. Supp. 242, 244-45 (E.D. Mich. 1995) (summary judgment is a "final hearing" under 28 U.S.C. § 1923(a)).

11. I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed.

DATED: Hagåtña, Guam, September 10, 2004.

CARLSMITH BALL LLP


DAVID LEDGER
ELYZE MCDONALD
Attorneys for Defendant
Continental Micronesia, Inc.